

Appl. No. 10/733,661
Amdt. dated Feb. 23, 2006
Reply to Office Action of Oct. 26, 2005

REMARKS/ARGUMENTS

1. The Examiner rejected claims 1-5, 7, 11-14, and 17-18 under 35 U.S.C. § 102(b) as being anticipated by Cannon et al. (U.S. Patent Application Publication No. 2002/0107036 A1). Claims 6, 15, and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cannon et al. (hereinafter "Cannon") in view of Forde et al. (U.S. Patent No. 6,690,943). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cannon in view of Nojima et al. (U.S. Patent No. 5,832,386). Claims 9, 10, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cannon in view of Saegusa et al. (U.S. Patent No. 4,876,708). Reconsideration of this application is respectfully requested in view of the amendments and/or remarks provided herein.

Rejections under 35 U.S.C. § 102(b)

2. Claims 1-5, 7, 11-14, and 17-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cannon. In particular, the Examiner asserts that the intercom function of Cannon's cordless telephone system is equivalent to the group call or communication recited in Applicants' claims. Applicants respectfully disagree.

As stated in Applicants' amendment dated August 5, 2005, the entire focus of Applicants' invention is on the ability of a wireless communication device to switch between a *cordless telephone call* and a *two way radio call* (referred to in Applicants' specification as a "group talk" or group call (*see* page 2, line 7) and alternatively referred to in the industry as a "dispatch call"), while placing the cordless telephone call on hold in such a manner that interference is substantially mitigated over the wireless link supporting the group call. As clearly explained in Applicants' specification, which must be consulted to properly construe Applicants' claims as detailed in Applicants' amendment dated August 5, 2005 (citing *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) and others), the claimed group call or two way radio call *is not* part of the cordless telephone system as is the intercom communication disclosed in Cannon. Applicants clearly state that the group or two-way radio call occurs over "conventional" two way radio channels (i.e., half-duplex radio channels). (*See* FIG. 1; page 4, lines 5-7.) Applicants also clearly state that the communication device of the present invention

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further has the ability to place radiotelephone calls via a cordless base station. (See page 4, lines 14-15.) Moreover, Applicants' communication device is described as having two independent RF sections, one for handling group calls over a wireless link of a two way radio system and another for handling cordless telephone calls over a different wireless link of a cordless telephone system, and a shared processor to provide the logical link between the two independent RF sections. (See FIGs. 1-2; page 5, line 9 through page 6, line 19; page 8, lines 1-10.) Thus, instead of using a single set of wireless links associated with the cordless telephone system to provide cordless telephone and intercom communications as in Cannon, Applicants' system utilizes a separate link in each independent system (i.e., two way radio and cordless telephone) to provide independent cordless telephone and two way communications. Additionally, the intercom function provided in Cannon serves merely to allow a person who answers an incoming telephone call to inform a remote intended recipient that the call is for him or her. (See para. [0003].) Cannon's intercom function is not intended to, nor does it, facilitate separate *two way* communications. Allowing uninhibited two way communications using the intercom function would prevent users from using the cordless telephone system of Cannon for its truly intended purpose, namely, cordless telephone calls. Thus, the intercom function of Cannon is not equivalent to the conventional two way radio or group call function (i.e., two way, half-duplex communications as is understood by those of ordinary skill in the art) provided by the two way radio section of Applicants' communication device.

As is clear from a careful reading of Cannon, all communications from the cordless telephone handsets are routed through the cordless telephone base station. (See, e.g., paras. [0055]-[0056] and [0096].) Cannon does not disclose or suggest a system in which a cordless telephone call involving a remote wireless device is placed on hold while the remote wireless device participates in a separate group call occurring *outside the cordless telephone system*. As a result, Cannon fails to disclose the method, communication device and communication system recited in independent claims 1, 11, and 17.

Nevertheless, in order to clarify the recitations of Applicants' claims, but not to distinguish Applicants' claimed invention from the disclosure of Cannon, Applicants have amended independent claims 1, 11, and 17 to more clearly recite the subject matter that was already inherently present in Applicants' originally (with respect to claims 1 and 11) and newly

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(with respect to claim 17) filed claims. In other words, Applicants have clarified the claims to indicate that (a) the cordless telephone call is over a wireless link of a cordless telephone system, (b) the group call is over a wireless link of the two way radio system that is external to the cordless telephone system, and (c) the cordless telephone call is placed on hold during the group call so as to mitigate interference on the wireless link supporting the group call. Cannon provides no comparable disclosure or suggestion. Rather, Cannon discloses a cordless telephone system that supports both active cordless telephone calls and intercom alerts. Cannon does not at all disclose or suggest a multi-mode wireless device capable of receiving both a cordless telephone call supported by a cordless telephone system and a two-way group call supported by a two-way radio system external to the cordless telephone system. As a result, Cannon does not address, nor is he even interested in, mitigating interference from a cordless telephone call on a separate and independent wireless link supporting a group call. Therefore, Cannon fails to disclose each and every limitation recited in Applicants' independent claims 1, 11 and 17.

Accordingly, Applicants respectfully request that the rejection of independent claims 1, 11 and 17 under 35 U.S.C. § 102(b) be withdrawn and said claims be passed to allowance.

Claims 2-5, 7, 12-14, and 18 are dependent upon claims 1, 11 and 17, which claims have been shown allowable above. Additionally, with respect to claim 12, Cannon fails to disclose a communication device that includes separate RF sections or transceivers in the device's two way radio and cordless telephone sections. Instead, Cannon discloses a device having a single RF/transceiver section that is used for all cordless telephone and intercom communications and is limited to the single system in which the device operates. In other words, all communications disclosed in Cannon are conducted as part of the single cordless telephone system disclosed therein. Therefore, at least because claims 2-5, 7, 12-14, and 18 each introduce additional subject matter that, when considered in the context of the recitations of their respective base claims, constitutes patentable subject matter, Applicants respectfully submit that the recitations of claims 2-5, 7, 12-14, and 18 are not disclosed or suggested by the cited references. Accordingly, Applicants respectfully submit that claims 2-5, 7, 12-14, and 18 are in proper condition for allowance.

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Rejections under 35 U.S.C. § 103(a)

3. Claims 6, 15, and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cannon in view of Forde et al. (hereinafter "Forde"). Claims 6, 15, and 19-20 are dependent upon claims 1, 11 and 17, which claims have been shown allowable above. Additionally, with respect to claims 6, 15, and 19, neither reference, whether taken alone or in combination, discloses all the limitations of such claims. While Forde discloses a mobile device that places a cordless telephone call on hold to accept a received broadcast message transmitted in the cordless telephone (DECT) system, neither Cannon nor Forde discloses receiving broadcast messages during the mobile device's participation in a separate two way group call as recited in claims 6, 15, and 19. In addition, with respect to claim 20, neither reference, whether taken alone or in combination, discloses a wireless communication system that includes a communication device having separate RF sections or transceivers in the device's two way radio and cordless telephone sections. Instead, both Cannon and Forde disclose a device having a single RF/transceiver section that is used for all communications and is limited to the single system in which the device operates. In other words, all communications disclosed in Cannon and Forde are conducted as part of the single cordless telephone system disclosed therein. Neither reference discloses or suggests operation of a mobile device in multiple distinct systems (i.e., cordless telephone and two way radio) and placing a call in the cordless telephone system on hold while the mobile device participates in a two way group call on the two way radio system. Therefore, at least because claims 6, 15, and 19-20 each introduce additional subject matter that, when considered in the context of the recitations of their respective base claims, constitutes patentable subject matter, Applicants respectfully submit that the recitations of claims 6, 15, and 19-20 are not disclosed or suggested by the cited references. Accordingly, Applicants respectfully submit that claims 6, 15, and 19-20 are in proper condition for allowance.

4. Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cannon in view of Nojima et al. Claim 8 is dependent upon claim 1, which claim has been shown allowable above. Therefore, since claim 8 introduces additional subject matter that, when considered in the context of the recitations of claim 1, constitutes patentable subject matter, Applicants respectfully submit that the recitations of claim 8 are not disclosed or suggested by

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the cited references. Accordingly, Applicants respectfully submit that claim 8 is in proper condition for allowance.

5. Claims 9, 10, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cannon in view of Saegusa et al. Claims 9, 10, and 16 are dependent upon claims 1 and 11, which claims have been shown allowable above. Therefore, since claims 9, 10, and 16 each introduce additional subject matter that, when considered in the context of the recitations of their respective base claims, constitutes patentable subject matter, Applicants respectfully submit that the recitations of claims 9, 10, and 16 are not disclosed or suggested by the cited references. Accordingly, Applicants respectfully submit that claims 9, 10, and 16 are in proper condition for allowance.

Other Amendments to the Claims

6. Applicants have herein amended claim 5 to correct a minor informality therein. Neither this amendment nor any other amendment was intended to narrow the claims in any manner or was made for any purpose related to patentability. Applicants submit that all such claim amendments are fully supported by Applicants' originally filed specification.

7. The Examiner is invited to contact the undersigned by telephone, facsimile or email if the Examiner believes that such a communication would advance the prosecution of the instant application.

Respectfully submitted,

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